## United States Department of Labor Employees' Compensation Appeals Board

D.S., Appellant	
and	) <b>Docket No. 21-1175</b>
U.S. POSTAL SERVICE, POST OFFICE, Absecon, NJ, Employer	) Issued: February 15, 2022 ) ) )
Appearances: Appellant, pro se Office of Solicitor, for the Director	Case Submitted on the Record

## ORDER DISMISSING APPEAL

Before:

JANICE B. ASKIN, Judge
PATRICIA H. FITZGERALD, Alternate Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

On July 28, 2021 appellant sought an appeal from a purported July 8, 2021 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 21-1175.

The Board, having duly considered the matter, notes that its jurisdiction is limited to the review of final adverse OWCP decisions issued under the Federal Employees' Compensation Act. This jurisdiction encompasses any final adverse decision issued by OWCP within 180 days of the date appellant filed his appeal. The case record as transmitted to the Board does not contain a final adverse decision of OWCP issued within 180 days from the date of docketing of the current appeal. In a July 8, 2021 memorandum of telephone call (Form CA-110), OWCP advised appellant to follow his appeal rights if he disagreed with a decision. This communication is purely informational in nature and does not constitute a final adverse decision of OWCP from which appellant may properly appeal. As there is no final adverse decision issued by OWCP over which

<sup>&</sup>lt;sup>1</sup> 5 U.S.C. § 8101 et seq.; 20 C.F.R. §§ 501.2(c) and 501.3(a).

<sup>&</sup>lt;sup>2</sup> 20 C.F.R. § 501.3(e) provides in pertinent part: "Any notice of appeal must be filed within 180 days from the date of issuance of a decision of the OWCP."

 $<sup>^3</sup>$  Id.

the Board may properly exercise jurisdiction, the Board concludes that the appeal docketed as No. 21-1175 must be dismissed.<sup>4</sup> Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 21-1175 is dismissed.<sup>5</sup>

Issued: February 15, 2022 Washington, DC

> Janice B. Askin, Judge Employees' Compensation Appeals Board

> Patricia H. Fitzgerald, Alternate Judge Employees' Compensation Appeals Board

> Valerie D. Evans-Harrell, Alternate Judge Employees' Compensation Appeals Board

<sup>&</sup>lt;sup>4</sup> OWCP issued a decision dated May 7, 2021 in a subsidiary file number, OWCP File No. xxxxxx062. Appellant has appealed this decision to the Board. His appeal from the May 7, 2021 decision will proceed under Docket No. 21-1129.

<sup>&</sup>lt;sup>5</sup> The Board's decisions and orders are "final upon the expiration of 30 days from the date of their issuance." 20 C.F.R. § 501.6(d).